

JAMAICA

No. 10-2010

I assent,

[L.S.]

(sgd.) R. James de Roux
Deputy Governor-General.

6th May, 2010

AN ACT to Amend the Betting, Gaming and Lotteries Act.

[**The date notified by the Minister
bringing the Act into operation**]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1.—(1) This Act may be cited as the Betting, Gaming and Lotteries (Amendment) Act, 2010, and shall be read and construed as one with the Betting, Gaming and Lotteries Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title
construction
and
commence-
ment.

(2) This Act shall come into operation on such day hereinafter referred to as “the appointed day” as appointed by the Minister, by notice published in the *Gazette*.

Amendment
of principal
Act
Schedule

2. The principal Act is amended in the manner specified in the Schedule hereto.

Transitional

3. Notwithstanding the provisions of this Act, a person who immediately before the date of commencement of this Act, was the holder of a licence, permit or authorisation issued under the principal Act, shall continue to hold such licence, permit or authorization according to the terms thereof, but with such modifications as may be necessary to conform with the principal Act as amended by this Act for the duration indicated therein or for a period of one year where no date of expiry has been indicated.

SCHEDULE

(Section 2)

Amendment of Betting, Gaming and Lotteries Act

Provisions	Amendments
Section 2	<p>1.—(1) In subsection (1)—</p> <p>(a) in the definition of “bookmaker” delete the proviso and substitute therefor the following—</p> <p>“so, however, that a person shall not be deemed to be a bookmaker by reason only of the fact—</p> <p>(a) that he operates, or is employed in operating a totalisator; or</p> <p>(b) that he receives or negotiates bets in accordance with a casino gaming licence issued under the Casino Gaming Act.”;</p> <p>(b) delete the definition of “licensee” and substitute therefor the following—</p> <p>“ “licensee” means any person who is the holder of a licence, permit, approval or authority granted by the Commission under this Act;”;</p> <p>(c) delete the definition of “lottery” and substitute therefor the following—</p> <p>“ “lottery” means any game, method or device, including any electronic game, method or device not requiring the participation of the players involved, whereby money or money’s worth is distributed or allotted in any manner depending upon or to be determined by chance or lot, held, drawn, exercised or managed, whether in Jamaica or elsewhere;”;</p>

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- (d) insert in the definition of “lottery ticket” immediately after the word “paper,” the words “electronic ticket,”;
- (e) delete from the definition of “native bred” the words “sired and”;
- (f) delete the definition of “racing promoter” and substitute therefor the following—

“racing promoter” means a person who with the approval of the—

- (a) Jamaica Racing Commission, promotes horse-racing or racing of any approved species of animal at an approved racecourse;
 - (b) Betting, Gaming and Lotteries Commission, accept bets on approved sports betting activities;”.
- (g) insert in the appropriate alphabetical sequence the following definitions—

“applicant” means a person who makes an application for a licence, permit, approval or authority under this Act;

“approved species of animal” means any species of animal approved by the Commission, by order, for the purposes of this Act;

“casino gaming licence” means—

- (a) a licence for the operation of a casino under section 18(1)(a); or
- (b) a temporary casino gaming licence under section 26 (4) of the Casino Gaming Act;

“connected” as regards the relationship between any person and a licensee or an applicant means that the person is either—

- (a) a holding company or subsidiary of the licensee;
- (b) a subsidiary of a holding company of the licensee;
- (c) any company in which the licensee has control;
- (d) a company in which the licensee and the persons treated as connected with the licensee by virtue of any other paragraph of this definition together have control;
- (e) an individual who is a director, manager or a person in control of the licensee or any business partner of such director, manager or person as aforesaid; or
- (f) a company of which any of the persons referred to in paragraph (e) is a director, manager or has control;

“electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electro-magnetic or similar capabilities and references to carrying out any act “electronically” shall be construed accordingly;

“electronic betting” means betting using a telecommunications network, using either a telephone line, the Internet, a

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mobile phone or other means approved by the Commission;

“electronic ticket” means a paperless electronic document used for the acknowledgement of a stake or bet made under this Act which takes the place of paper tickets and can be purchased electronically;

“live television broadcasts” means television broadcasts of races conducted in Jamaica or overseas which are transmitted simultaneously with the running of those races;

“minor” means a person under the age of eighteen years;

“online betting” means betting by electronic means including any form of betting via telephone or the Internet or such other communication system approved by the Commission;

“sports betting” means the making of a wager on the outcome of a sporting event;

“week” means the period commencing immediately after twelve o’clock midnight on each Saturday and ending at twelve o’clock midnight on the Saturday next following;

(2) Insert next after subsection (5) the following as subsection (6)—

“ (6) A person who receives or negotiates bets in accordance with a casino gaming licence issued under the Casino Gaming

Act shall not, on that account alone be deemed to be carrying on the business of bookmaking for the purposes of this Act.”.

Section 7

1. In subsection (1)—

- (a) delete the words “shall make application” and substitute therefor the words “shall make an application”;
- (b) delete the numerals and letters “21, 24, 26(3), 44, 44A, 49, 51(1) and substitute therefor the numerals and letters “20C, 21, 24, 24A, 26(3), 43A, 43B, 44, 44A, 44E, 46A, 49, 49A”.

2. Delete subsection (2), and substitute therefor the following—

“ (2) Where the Commission receives an application pursuant to subsection (1), the Commission—

- (a) shall satisfy itself that the applicant is a fit and proper person having regards to subsection (2A); and
- (b) may, in order to satisfy itself that the application is in order, make or cause to be made such investigations as it considers necessary in connection with the application.

(2A) Where an investigation under subsection (2) is conducted by the Commission, the Commission may charge the applicant such fees as are necessary for the recovery of its expenditure, having regard to the nature and the effort required in its conduct.

(2B) For the purposes of this section, a person is a fit and proper person if he is a person—

- (a) who, whether in Jamaica or elsewhere—
 - (i) has not been convicted of an offence involving dishonesty or moral turpitude; or
 - (ii) is not an undischarged bankrupt;
- (b) whose employment record does not give the Commission reasonable cause to believe that he carried out any act involving impropriety in the handling of monies;

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- (c) who, in the opinion of the Commission, is a person of probity, who is able to exercise competence, diligence and sound judgment in fulfilling his responsibilities in relation to the business of betting, gaming, lotteries, prize promotions or other games of chance permitted under the Act and whose relationship with such business will not threaten the interests of the general public nor other persons who are in that business, and for the purpose of this paragraph the Commission shall have regard to any evidence that he has—
- (i) engaged in any business practice appearing to the Commission to be deceitful or oppressive or otherwise improper, which reflects discredit on his method of doing business; or
 - (ii) contravened any provision of any enactment for the protection of the public against financial loss due to dishonesty, incompetence or malpractice by persons concerned in the provision of commercial services or the management of companies due to bankruptcy;
- (d) who has knowledge of and competence in the business of betting, gaming, lotteries, prize promotion or other games of chance;
- (e) who is not incapacitated by reason of mental disability; and
- (f) who is not connected to any person who does not satisfy the criteria specified in the preceding paragraphs.”.

3. In subsection (3), delete the words “a betting office licence or a licence or approval under section 24,” and substitute therefor the words “a licence, permit, approval or authority for any premises,”.

Section 8

In subsection (2), insert immediately after the words “shall be” the words “in such form and”.

New sections 8A, 8B,
8C, 8D, 8E and 8F—

Insert next after section 8, the following as sections 8A,
8B, 8C, 8D, 8E and 8F—

“Licence,
etc to be
exhibited.

8A.—(1) Any current licence, permit, approval or authority granted by the Commission, as regards any premises, shall be placed in a conspicuous place on the premises to which that licence, permit, approval or authority relates.

(2) A person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding five hundred thousand dollars and in default of payment thereof to imprisonment for a term not exceeding six months.

Power of
entry by
authorized
persons

8B.—(1) Any—

- (a) person (hereinafter called “an authorized person”) authorized in that behalf by the Commission (and subject to the production on demand of his authority); and

(b) constable,

may at all reasonable times enter upon any premises which is licensed by the Commission for the purpose of ascertaining whether the provisions of the Act are being complied with.

(2) Any person who obstructs any authorized person or constable or other person in the

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exercise of his functions under this section shall be guilty of an offence and liable to a fine not exceeding five hundred thousand dollars and in default of payment thereof to imprisonment for a term not exceeding six months.

Offence of failure to produce a licence permit, etc

8C. If the holder of a licence, permit, approval or authority granted by the Commission on being required by an authorized person to produce his licence, permit, approval or authority for examination, refuses or without reasonable cause fails so to do, he shall be guilty of an offence and liable to a fine not exceeding five hundred thousand dollars and in default of payment thereof to imprisonment for a term not exceeding six months.

Commission to furnish certificate of appointment

8D. The Commission shall furnish every authorized person with a certificate of appointment.

Management of licensed premises

8E.—(1) Any premises licensed or otherwise approved for the purposes of this Act by the Commission shall be managed by the licensee in accordance with the terms and conditions specified in the licence, permit, approval or authority.

(2) A licensee who contravenes the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding five hundred thousand dollars and in default of payment thereof to imprisonment for a term not exceeding six months.

(3) Where the Commission grants a licence or permit under this Act and affixes a seal or any

other device of like nature to any gaming machine or to any other equipment to which such licence or permit relates and the licensee and any servant or agent of the licensee breaks or removes the seal or other device without the consent of the Commission, the licensee and any servant or agent of the licensee commits an offence and shall be liable to a fine not exceeding two million dollars and in default of payment thereof to a term of imprisonment not exceeding twelve months.

Refusal of entry to and expulsion of persons, from licensed premises.

8F.—(1) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, the licensee or any servant or agent of his may refuse to admit to, or may expel from, any premises licensed by the Commission any person who is drunken, violent, quarrelsome or disorderly, or whose presence on those premises would subject the licensee or any servant or agent of his to a penalty under section 14.

(2) If any person liable to be expelled from a licensed premises under this section, when requested by the licensee, any servant or agent of the licensee or any constable to leave those premises, fails to do so, he shall be guilty of an offence and liable to a fine not exceeding fifty thousand dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding one month.

(3) Any constable may, on the request of the licensee or any

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servant or agent of the licensee, help to expel from a licensed premises any person whom the constable has reasonable cause to believe to be liable to be expelled therefrom under subsection (1).”.

Section 9

Delete section 9 and substitute therefor the following—

- “Refusal to grant a licence, etc and suspension, variation or revocation of licence, etc.
9. The Commission may—
- (a) refuse to grant a licence, permit, approval or authority if the applicant does not satisfy the criteria specified in section 7 (2A); or
 - (b) suspend, vary or revoke any licence, permit, approval or authority after holding an investigation under section 10.”.

Section 10

In paragraph (c)(iii) delete the words “five hundred” and “three months” and substitute therefor respectively the words “five hundred thousand” and “six months”.

Section 14

Delete section 14 and substitute therefor the following—

- “Fixed Penalty offences
Seventh Schedule.
- 14.—(1) This section shall apply to an offence under this Act and regulations made hereunder, being an offence specified in the Seventh Schedule.

(2) The Commission may give to any person who it has reason to believe has committed an offence to which this section applies, a notice in writing in the prescribed form offering that person the opportunity to

discharge any liability to conviction of that offence by payment of a fixed penalty under this section.

(3) No person shall be liable to be convicted of the offence if the fixed penalty is paid in accordance with this section and the requirement in respect of which the offence was committed is complied with before the expiration of the fifteen days following the date of the notice referred to in subsection (2) or such longer period (if any) as may be specified in that notice or before the date on which proceedings are begun, whichever event last occurs.

(4) Where any person is given notice under this section in respect of an offence, proceedings shall not be taken against that person for that offence until the end of the fifteen days following the date of the notice or such longer period (if any) as may have been specified therein.

(5) In subsections (3) and (4) "proceedings" means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under subsection (2) and "convicted" shall be construed in like manner.

(6) Payment of a fixed penalty under this section shall be made to the Collector of Taxes specified pursuant to subsection

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(7); and in any proceedings a certificate that payment of a fixed penalty was or was not made to the Collector of Taxes by a date specified in the certificate shall, if the certificate purports to be signed by the Collector of Taxes, be admissible as evidence of the facts stated therein.

(7) A notice under sub-section (2) shall—

- (a) specify the offence alleged;
- (b) give such particulars of the offence as are necessary for giving reasonable information of the allegation;
- (c) state—
 - (i) the period during which, by virtue of sub-section (2), proceedings will not be taken for the offence;
 - (ii) the amount of the fixed penalty and the Collector of Taxes to whom and address at which the penalty may be paid.

(8) The fixed penalty for each offence specified in the Seventh Schedule shall be the penalty respectively specified therein in relation to such offence.

Seventh
Schedule.

(9) In any proceedings for an offence to which this section applies, no reference shall be made after the conviction of the accused to the giving of any notice under this section or to the payment or non-payment of a fixed penalty thereunder unless in the course of the proceedings or in some document which is before the court in connection with the proceedings, reference has been made by or on behalf of the accused to the giving of such a notice, or, as the case may be, to such payment or non-payment.

(10) The Minister may, by order, make provision as to any matter incidental to the operation of this section, and in particular, any such order may—

(a) prescribe—

- (i) the form of notice under subsection (2), and the Collector of Taxes to whom a fixed penalty is payable;
- (ii) the nature of the information to be furnished to the Collector of Taxes along with any payment;

(iii) the arrangements for the Collector of Taxes to furnish to the Commission, information with regard to any payment pursuant to a notice under this section;

(b) amend the Seventh Schedule.

(11) An order made under subsection (10)(b) shall be subject to affirmative resolution.”.

Section 16

In subsection (2) insert next after paragraph (b) the following as paragraph (c)—

“ (c) where the premises is within the precincts of an approved integrated resort development declared pursuant to section 9 of the Casino Gaming Act and the betting transactions are conducted in accordance with a casino gaming licence issued under that Act.”.

Section 18

1. In subsection (1)—

(a) delete the fullstop at the end of paragraph (b) and insert therefor a semi-colon;

(b) insert next after paragraph (b) the following as paragraph (c)—

“ (c) by a casino operator in accordance with a casino gaming licence issued under the Casino Gaming Act;”.

2. Delete subsections (1A), (1B) and (1C) and substitute therefor the following—

“ (1A) Subject to subsection (1C), pool betting business may be carried on—

- (a) by a racing promoter on an approved racecourse, if the business is conducted—
 - (i) on that racecourse not earlier than one week prior to the day on which horse-races but no other races take place thereon; and
 - (ii) only on the horse-races conducted on that racecourse on that day;
- (b) by a racing promoter on a licensed track if the business is conducted—
 - (i) on that track not earlier than one week prior to the day on which races of any approved species of animal but no other races take place thereon;
 - (ii) only on races permitted by the licence and conducted on that track on that day; or
- (c) by a racing promoter or by an agent of such promoter authorized in writing by the promoter if the business is conducted—
 - (i) on premises approved by the Commission pursuant to section 24 and occupied by the racing promoter or by such agent;

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- (ii) not earlier than one week prior to the day on which races promoted by that promoter take place; and
- (iii) only on the races promoted by that promoter on that day.

(1B) Subject to subsection (1C), pool betting business may be carried on by a racing promoter or by his agent duly authorized in writing by the promoter, on horse-races or races of any approved species of animal conducted overseas if—

- (a) the business is conducted not earlier than one week prior to the day on which such races take place overseas and—
 - (i) in the case of horse-races, on an approved racecourse;
 - (ii) in the case of races of any approved species of animal, on a licensed track; or
 - (iii) on premises approved by the Commission, pursuant to section 24; and
- (b) live television broadcasts of the *running of such races are transmitted to the approved racecourse or licensed track or to premises approved pursuant to section 24.*

3. Renumber subsection (1D) as subsection (1C).

4. Delete subsection (3) and substitute therefor the following—

- (3) The Commission may authorize, in writing, a racing promoter or a non-promoter, to

promote and operate such form of pool betting business, other than pool betting on—

- (a) horse-races or greyhound races conducted on an approved joint racecourse or on premises approved by the Commission; or
- (b) horse-races or greyhound races conducted overseas,

as may be specified in the authorization, and thereupon it shall be lawful for the racing promoter or the non-promoter so authorized notwithstanding anything contained in the Act, to promote and operate that form of pool betting business and for any person to participate in the pool betting so promoted and operated.

5. In subsection (4), insert next after the words and numeral “subsection (1D) or” the words “authorization under subsection”.

6. In subsection (5) delete the word “order” and substitute therefor the word “authorization”.

7. In subsection (7) delete the words “or (3)”.

8. Insert next after subsection (7) the following—

“ (8) In this section and section 31A, “non-promoter” means an operator of pool betting business, other than pool betting on—

- (a) horse-races or greyhound races, conducted on an approved joint race-course or on premises approved by the Commission; or
- (b) horse-races or greyhound races conducted overseas,

who is not the operator of an approved racecourse and whose business involves the placing of bets in a totalizator of a racecourse in a country other than Jamaica which is approved by the Commission for the purposes of this section.”

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- Section 19 Delete subsection (4) and substitute therefor the following—
- “ (4) A bookmaker’s permit shall remain in force for a maximum period of five years from the date of issue and shall be subject to an annual review by the Commission.”.
- Section 20A Delete the words “five hundred thousand” and substitute therefor the words “one million”.
- New sections
20B and 20C Insert next after section 20A the following—
- “Minor not to participate in betting activity, etc 20B.—(1) A person shall not permit a minor to—
- (a) bet, negotiate or otherwise participate in any betting, gaming or lottery activity regulated or prohibited under this Act; or
- (b) be in any room in which gaming machines are located.
- (2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding one million dollars and in default of payment thereof to imprisonment for a term not exceeding three months, so, however, that a person shall not be guilty of an offence under this section if he proves to the satisfaction of the court that, at the time of the offence, he took all reasonable steps to ascertain, and reasonably believed, that the person alleged to be a minor was over the age of eighteen years

Betting
lounge.

20C.—(1) In this section, “betting lounge” means any premises approved by the Commission in which there are facilities—

- (a) furnished with a maximum of nineteen gaming machines;
- (b) for the placing of wagers on races or on other events approved under this Act;
- (c) for the purchasing of tickets or chances in any lottery licensed under this Act;
- (d) for watching or listening to broadcasts of such races or events or any sports activities conducted in Jamaica or elsewhere;
- (e) for entertainment.

(2) Only a licensed bookmaker may apply for a licence to operate a betting lounge.

(3) The Commission may, in accordance with section 8, grant a betting lounge licence to the applicant under subsection (2).

(4) A betting lounge licence shall remain in force for a maximum period of five years.

(5) The relevant provisions of Part II shall have effect for the purposes of a licence under this section.

(6) Any person who, operates a betting lounge without being the holder of a valid licence authorizing him so to do shall be guilty of an offence and liable on

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conviction to a fine not exceeding five hundred thousand dollars and in default of payment thereof to imprisonment for a term not exceeding six months.”.

Section 21

Delete subsection (5).

Section 22

Delete section 22 and substitute therefor the following—

“Conduct of licensed betting office
Second Schedule

22.—(1) A licensed betting office shall be managed in accordance with the terms and conditions specified in the licence and the rules set out in the Second Schedule.

(2) Any bookmaker or his agent or servant who contravenes the provisions of subsection (1), commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand dollars and in default of payment to imprisonment for a term not exceeding six months.

(3) A bookmaker may publish in a licensed betting office or, in such manner as may be prescribed, on premises giving access to such office or through the print or electronic media, any advertisement—

- (a) indicating that particular premises are a licensed betting office;
- (b) indicating where any such office may be found; and
- (c) drawing attention to the availability of, or to facilities afforded to persons resorting to, such offices.

(4) A bookmaker shall ensure that any advertisement pursuant to subsection (2) satisfies any provision in any code of ethics published or established for the

time being by the Advertising Agencies Association of Jamaica, the Fair Trading Commission or the Broadcasting Commission.”.

Section 24

1. Delete section 24 and substitute therefor the following—

“Licensing of tracks and off-track betting parlours 24.—(1) For the purpose of this Act and subject to such conditions as it may impose, the Commission may, in accordance with Part II—

- (a) grant a licence authorizing the provision of betting facilities on any track (in this Act referred to as a “track betting licence”) in relation to races of a type specified in the licence; and
- (b) grant a licence (in this Act referred to as an “off-track betting parlour licence”) in respect of any premises (in this Act referred to as an “off-track betting parlour”) authorizing a racing promoter or a duly accredited agent of such a promoter to carry on pool betting business thereon.

(2) Any track or any off track betting parlour in respect of which a licence is granted under subsection (1) shall be eligible, in accordance with Part II, to be prescribed as a premises in relation

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to which a licence may be granted
under section 44A enabling—

- (a) as regards such track, the operation by the racing promoter of a maximum of five hundred gaming machines in the aggregate, whether on the track or on any other prescribed premises (not exceeding four); and
- (b) as regards such off-track betting parlour, a maximum of nineteen gaming machines thereon.”.

New section
24A

Insert next after section 24 the following as section
24A—

“Licensing of off tracks and betting parlours operators 24A.—(1) No person shall by way of business, receive or negotiate bets at an off track betting parlour, as agent of a racing promoter unless—

- (a) he has attained the age of eighteen years;
- (b) he does not have a criminal record;
- (c) he is authorized in that behalf in writing by that racing promoter; and
- (d) he is the holder of an off track betting parlour operator’s licence.

(2) If any bet is received or negotiated by any person as agent of a racing promoter in contravention of subsection (1), every such

person and the racing promoter shall each be guilty of an offence and be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five hundred thousand dollars and in default of payment thereof to imprisonment for a term not exceeding eighteen months."

Section 25

Delete section 25 and substitute therefor the following—

"Totalisator in respect of horse races and other races sports betting activities

25.—(1) Where a racing promoter has set up a totalisator, such totalisator shall be operated in accordance with the provisions of subsections (2) and (3).

(2) For the purposes of subsection (1), the totalisator shall—

- (a) be located at an approved racecourse or licensed track or at premises approved by the Commission pursuant to section 24;
- (b) be operated only for effecting betting transactions—
 - (i) on sports betting activities approved by the Commission;
 - (ii) on horse-races run at the approved race-course and any other activity ap-

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proved by
the Com-
mission;

(iii) on races of
any ap-
proved spe-
cies of ani-
mal run at
the licensed
track; or

(iv) on horse-
races, on
o t h e r
a c t i v i t y
approved
by the
Commission
or on races
of any
approved
species of
animal con-
d u c t e d
overseas
which are
transmitted
by live
electronic
broadcast
to that race-
course or
track or to
premises
approved
pursuant to
section 24,
as the case
may be,

and with persons resorting
to the racecourse or track or
to premises approved by the
Commission pursuant to sec-
tion 24 or with such other
persons and in such circum-
stances as may be prescribed.

Third
Schedule.

(3) The Third Schedule shall have effect with respect to the totalisator.

(4) Any person who contravenes the provisions of subsection (2) commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand dollars and in default of payment thereof to imprisonment for a term not exceeding six months.”.

Section 26

1. Delete subsection (1) and substitute therefor the following—

“ (1) The provisions of this section shall apply in relation to—

- (a) any horse-race conducted on an approved racecourse;
- (b) any race of any approved species of animal specified in a track betting licence and conducted under that licence on a licensed track;
- (c) any horse-race or any race of any approved species of animal conducted overseas which is transmitted by live electronic broadcast to an approved racecourse or licensed track or to premises approved pursuant to section 24.”.

2. In subsection (5), remove the comma appearing after the words “approved racecourse” and insert immediately thereafter, the words and comma “or races of any approved species of animal at a licensed track,”.

Section 28 (2)

1. Renumber paragraph (g) as paragraph (h).

2. Insert the following as paragraph (g)—

“ (g) the carrying out of an anti-doping programme for horses and other approved species of animals.”

Section 31

1. Delete subsection (1) and substitute therefor the following—

“ (1) A duty to be known as a pool betting duty is imposed at the rate of two *per cent* of the gross profit accruing to an operator of pool betting, so, however, that the House of Representatives may—

- (a) from time to time by affirmative resolution, revoke, reduce, increase or alter any duty; and
- (b) provide for exemptions therefrom,

and different pool betting duties may be imposed in respect of different forms of pool betting.”.

2. Insert next after subsection (4) the following as subsections (5) and (6)—

“ (5) Every operator of pool betting shall make the following contributions from his weekly gross profits—

- (a) one *per cent* to the Commission;
- (b) four and one-half *per cent* to the Jamaica Racing Commission.

(6) In this section gross profits shall be computed by deducting X from Y where—

- (a) X is the aggregate amount of winnings and purses payable by the operator in respect of pool betting;
- (b) Y is the aggregate amount of stake monies paid to the operator in such pool betting.”.

New section 31A

Insert next after section 31 the following as section 31A—

“Pool betting 31A.—(1) Pool betting duty is imposed at the rate of nine *per cent* of gross profit accruing to a non-promoter of pool betting.

(2) Every non-promoter of pool betting shall make the following contributions from the weekly gross profits of the non-promoter—

- (a) five and one-half *per cent* to the Commission;
- (b) two *per cent* to the CHASE FUND.”.

Section 33

Delete section 33 and substitute therefor the following—

“Sports betting tax. 33.—(1) A tax (to be known as sports betting tax) is imposed at a rate of seven *per cent* of gross profit accruing to an operator.

(2) Every operator shall make the following contribution from the weekly gross profits of the operator—

- (a) one *per cent* to the Commission;
- (b) one *per cent* to the CHASE FUND.

(3) The sports betting tax under subsection (1), shall be applicable to any bet made by a bettor—

- (a) with a bookmaker;
- (b) with a non-promoter of pool betting under section 31A; or
- (c) by means of a totalisator on an approved racecourse licensed track or other premises approved by the Commission.”.

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- Section 35 Delete subsection (2) and renumber subsections (3) and (4) as subsections (2) and (3) respectively.
- Section 38 1. Delete subsection (1) and substitute therefor the following—
- “ (1) For the purposes of this Act “unlawful gaming” means gaming—
- (a) carried out on premises which are not licensed or approved by the Commission;
- (b) done by a promoter who is not approved or licensed by the Commission; or
- (c) done by any person under the age of 18 years.”.
2. In subsection (2), delete the words “guilty of an offence and shall be liable to a fine not exceeding five hundred thousand dollars or to imprisonment with or without hard labour” and substitute therefor the words “liable on summary conviction in a Resident Magistrate’s Court to a fine not exceeding one million dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment”.
3. In subsection (3), delete the words “seven hundred and fifty thousand dollars and twelve months” and substitute therefor the words “two million dollars and two years”.
- Section 42A Delete the section and substitute therefor the following—
- “ Saving in respect of prescribed purposes, casino facilities.
- 42A. Section 38 shall not apply to gaming conducted by means of—
- (a) an excepted machine as defined in section 43 on any prescribed premises pursuant to a licence granted under section 44A;

- (b) facilities, including gaming machines, provided by a casino operator pursuant to a casino gaming licence issued under the Casino Gaming Act;”.

Section 43

1. Insert as the marginal note the words “Gaming machines”.

2. In subsection (1)—

- (a) delete the numerals and word “44, 44A, 44C, 44D, 44E, 45 and 46” and substitute therefor the numerals and words “20B, 20C, 24, 43A, 43B, 44, 44A, 44C, 44D, 44E, 45, 46, 46A and paragraph 2 of the Second Schedule”;

- (b) in the definition of “gaming machine” insert—

- (i) immediately after the words “an excepted machine” the words “or a machine operated by a casino operator pursuant to a casino gaming licence issued under the Casino Gaming Act”;

- (ii) next after the words “advantage or prize is awarded” the following proviso—

“so, however that where a machine has more than one playing station each playing station shall be deemed to be a machine”;

- (iii) the following as paragraph (c)—

“(c) which shall attract contributions and levy payments based

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on the total number of playing stations where any such machine has more than one playing station.”;

- (c) delete the definition of “licensee”;
- (d) in the definition of “prescribed premises”—
 - (i) delete the word “or” appearing at the end of paragraph (a);
 - (ii) delete paragraphs (c) and (d) and substitute therefor the following as paragraphs (c), (d), (e) and (f)—
 - “(c) any premises licensed as a hotel under the Tourist Board Act, not being part of the precincts of a hotel which is part of an approved integrated resort development pursuant to the Casino Gaming Act;
 - (d) a betting lounge;
 - (e) a gaming lounge; or
 - (f) any other premises approved by the Commission.”.

New sections
43A and 43B

Insert next after section 43 the following as sections
43A and 43B—

“Licence to manufacture, test, supply, lease, repair, operate or sell gaming machines 43A.—(1) No person shall manufacture, test, sell, supply, lease, repair or operate gaming machines or any component thereof unless that person is the holder of a licence under this Act authorizing him so to do.

(2) The Commission may, in accordance with section 8 grant a licence to any person manufacture, test, supply, lease, repair, operate or sell gaming machines.

(3) Where the Commission refuses to grant a licence under this section the Commission shall notify the applicant for the purposes of this in writing for the licence of such refusal, stating the reasons therefor and of the right of appeal conferred by section 44B.

(4) Subject to the provisions of this section, a licence granted under this section shall remain in force for a maximum period of five years from the date of issue and shall be reviewed annually by the Commission.

(5) The Commission shall keep a register containing the name of every person to whom a licence is granted under this section.

(6) Where a licence under this Act is granted to a partnership and there is any change in the individual partners or in the name of the partnership, the partnership shall, within seven days of the change—

- (a) return the licence to the Commission; and
- (b) make an application for a new licence, and the provisions in this Act relating to the application and grant of such licence shall apply.

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(7) In subsections (1) and (2) “operate”, in relation to a gaming machine, means the owner or lessor of the gaming machine operating the machine.

(8) A person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding three hundred thousand dollars and in default of payment thereof to imprisonment for a term not exceeding six months.

Commission
not to issue
licences during
exclusivity
period.

43B.—(1) The Commission shall not for the duration of the exclusivity period, issue a licence to any person to operate a gaming machine on any premises within the exclusive geographic area, however, the Commission may grant—

- (a) in respect of prescribed premises licensed as a hotel under the Tourist Board Act, a licence pursuant to section 44E;
- (b) in respect of prescribed premises licensed under the Licences on Trade and Business Act or the Spirit Licence Act, as the case may be, a licence to operate not more than five gaming machines;
- (c) in respect of an off-track betting parlour operated by a racing promoter, a licence to operate not more than five gaming machines;

- (d) in respect of a licensed betting office, a licence to operate not more than two gaming machines;
- (e) an existing licensee a renewal of licence to operate gaming machines, not being a number in excess of that which the licensee was entitled to operate immediately prior to the appointed day.

(2) In this section—

- (a) “exclusivity period” and “exclusive geographic area” have the same meanings respectively as in the Casino Gaming Act;
- (b) “existing licensee” means a person who prior to the commencement of the Betting, Gaming and Lotteries (Amendment) Act, 2009 was the holder of a licence issued by the Commission.”.

Section 44

1. In subsection (1), insert next after the words “such form” the word “and be accompanied by the prescribed fee”.

2. Delete subsections (2) and (3) and substitute therefor the following—

“ (2) Any person who whether or not being the holder of a licence to operate a prescribed premises and who causes or allows any gaming machine unlawfully to be operated on such prescribed premises shall be liable on summary conviction in a Resident Magistrate’s Court to a fine not exceeding one million dollars or to a term of imprisonment not exceeding twelve months or to both such fine and imprisonment.”.

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“ (3) The owner and operator of a prescribed premises on which any gaming machine is being operated shall manage the prescribed premises in accordance with the terms and conditions specified in the licence, and in the case of a breach of any of those terms and conditions, the owner and operator of the prescribed premises each commit an offence and shall be liable on conviction to a fine not exceeding five hundred thousand dollars and in default of payment thereof to imprisonment for twelve months.

(4) The owner or operator of a prescribed premises shall pay on the 1st day of April in every year—

- (a) to the Collector of Taxes, an annual levy of one thousand dollars;
- (b) to the Commission, a contribution of five hundred dollars,

in respect of each prescribed premises that he owns or operates.

(5) The Minister may, by order subject to affirmative resolution of the House of Representatives, reduce or increase any levy or contribution payable under subsection (4).”.

Section 44A

1. In subsection (2), delete all the words appearing after the words “premises”.
2. Insert next after subsection (2) the following as subsection (2A)—

“ (2A) Any person who contravenes the provisions of subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand dollars and in default of payment to a term of imprisonment not exceeding six months.”.

3. Delete subsections (3), (5), (6), (7) and (8).

4. Renumber subsection (4) as subsection (3) and insert the following as subsections (4), (5) and (6)—

“ (4) The operator of a gaming machine shall pay in respect of each machine specified in the licence—

(a) to the Collector on the 1st day of April in every year, subject to subsection (5)—

(i) if he operates less than twenty machines, an annual levy of ten thousand dollars in respect of each such machine he operates during the licence period; and

(ii) if the machines are credited by the operator thereof and not the player, an annual levy of five thousand dollars in respect of each such machine he operates during the licence period;

(b) to the Collector by the 7th day of each month—

(i) if he operates between twenty and one hundred and fifty machines, a levy of six and one half *per cent* of the gross profits accruing to the operator from the operation of the machines during the previous month;

(ii) if the machines are operated at an approved racecourse or licensed track, a levy of six and one half *per cent* of the

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gross profits accruing to the operator from the operation of the machines during the previous month;

- (c) to the Commission—
 - (i) on the making of the application, a licence fee of two thousand five hundred dollars in relation to the operation of machines as described in paragraph (a);
 - (ii) by the 7th day of each month a contribution of two and one-half *per cent* of the gross profits in relation to the operation during the previous month of machines as described in paragraph (b); and
- (d) to the Fund, where paragraph (b) (i) or (b)(ii) applies, a contribution for the benefit of the Fund established under section 59F of one *per cent* of the aggregate of gross profit derived in respect of each machine specified in the licence.

(5) The operator of a gaming machine who pays the levy required under subsection (4)(a) after the 1st day of April in any year shall pay to the Collector in addition to the outstanding levy, a penalty of—

- (a) fifteen *per cent* of the licence fee in respect of each machine, if the levy is paid after the 1st day of April but before the 1st day of July;
- (b) thirty *per cent* of the licence fee in respect of each machine, if the levy is paid on or after the 1st day of July but before the 1st day of October;

- (c) forty-five *per cent* of the licence fee in respect of each machine, if the levy is paid on or after the 1st day of October but before the 1st day in January in the following year; or
- (d) sixty *per cent* of the licence fee in respect of each machine, if the levy is paid on or after the 1st day of April in the following year.”

(6) Where an application under subsection (3) is refused, the fee paid shall be refunded to the applicant.”

5. Renumber subsections (9) and (10) as subsections (7) and (8), respectively.

6. In subsection (7) as renumbered, delete the word and number “subsection (8)” and substitute therefor the word and number “subsection (4)”.

7. Insert next after subsection (8) as renumbered the following as subsections (9) and (10)—

“ (9) In this section, gross profits shall be computed by deducting X from Y where—

- (a) X is the aggregate amount of winnings payable by an operator of gaming machines arising from the operation of such machines; and
- (b) Y is the aggregate amount wagered by players of the machines.

(10) The provisions of section 59B(1) to (5) relating to the lottery tax shall apply to—

- (a) the levies under subsection (4) as if the word “week” were substituted for the word “month” appearing in the subsection; and
- (b) the contribution under subsection (4)(c)(ii) and (4)(d).”

Section 44B

In subsection (1)—

- (a) insert immediately before the numerals “44A” the numerals, and word “43A or”;
- (b) delete the words “under subsection (4) of that section” and substitute therefor the words “of the refusal by the Commission,”.

Section 44C

1. In subsection (3), delete paragraph (a) and re-letter paragraphs (b) and (c) as paragraphs (a) and (b), respectively.

2. Insert next after subsection (4) the following as subsections (5) and (6)—

“ (5) The Commission may, if it considers it desirable, affix a seal or any other device of like nature to any gaming machine in respect of which a licence is granted under section 44A.

(6) A licensee shall seek the written approval of the Commission of any proposal relating to a change of address of the prescribed premises to which his licence relates and shall notify the Commission of any change of ownership of the business carried on by him within seven days of such change.”.

Section 44DIn

subsection (1)(b), delete the words “a fee of five hundred dollars” and substitute therefor the words “a prescribed fee”.

Section 44E

Insert next after subsection (2) the following—

“ (3) A licensee who contravenes the provisions of subsection (2) shall be guilty of an offence and liable to a fine not exceeding two hundred and fifty thousand dollars and in default of payment thereof to a term of imprisonment not exceeding six months”.

Section 44F

Insert next the proposed amendments to section 44E the following as 44F—

<p>“Exception to ownership and possession of gaming machines</p>	<p>44F.—(1) The prohibitions of this Part against the ownership and possession of any gaming machine or any component thereof shall not apply to a ship equipped with any such machine and which is used for transporting persons to or from Jamaica, in so far as any gaming machine on board the ship is not operated while the ship is in Jamaican waters.</p>
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(2) In this section—

“Jamaican waters” means the inland waters
and—

- (a) internal waters;
- (b) archipelagic waters; and
- (c) territorial sea,

as defined in the Maritime Areas
Act, and such other waters as may
be prescribed under any enactment
to be Jamaican waters;

“ship” includes every description of
vessel used in navigation.”.

Section 45 Delete the numerals “44 and 44A” and substitute therefor
the numerals “43A, 44, 44A and 44F”.

Section 46 1. In subsection (1), delete the numerals, letters and
word “44(1), 44A(1), 44D(2) or 44E(2)” and substitute
therefor the numerals, letter and word “43A, 44(1),
44A(1), 44E(2) or 46A(3)”.

2. Delete subsection (5) and substitute therefor the
following—

“ (5) Where there is a reasonable suspicion
that the gaming machine is being used in
contravention of any provision of this Act, a
constable may seize and detain any gaming
machine or any component thereof and any other
articles used in connection therewith; and
subject to subsection (4), any such machine,
component or other article, so seized, may by
order of the Court, be forfeited pursuant to
section 46A.”.

New sections
46A and 46B

Insert next after section 46 the following—

“Forfeiture of abandoned gaming machine. 46A.—(1) On the application of the
Commission, before a Resident
Magistrate’s Court having
jurisdiction in the area where a
gaming machine is seized pursuant
to section 46, the Resident
Magistrate may order the forfeiture
of the gaming machine if the
Resident Magistrate is satisfied
that the gaming machine has been
abandoned.

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(2) Where the Commission proposes to apply for forfeiture of any gaming machine under subsection (1), it shall give to any person who, to its knowledge, was at the time of the seizure the owner thereof, notice of the seizure of the gaming machine and the intention, after the expiration of thirty days from the date of the notice, to apply for forfeiture thereof and of the grounds therefor:

Provided that notice shall not be required to be given under this subsection if the seizure was made in the presence of the owner or any of the owners of the gaming machine seized or any servant or agent of the owner.

(3) Without prejudice to any other form of service of notification, notification may, for the purposes of subsection (2) be made by publication in a daily newspaper printed and circulating in Jamaica.

(4) Any person having a claim to any gaming machine seized under this section may appear before the Court on the hearing of the application and show cause why an order for forfeiture should not be made.

(5) Where, on the hearing of an application pursuant to subsection (1), for forfeiture of any gaming machine and no person appears before the Court to show cause why an order for forfeiture should not be made, the Court shall presume that the gaming machine has been abandoned.

(6) If, upon the application of any person prejudiced by an order made by the Court under subsection (1) the Court is satisfied that it is just to revoke such order, the Court—

- (a) may revoke that order upon such terms and conditions as it deems appropriate; and
- (b) without prejudice to the generality of the foregoing, shall require that person, to pay in respect of storage, maintenance, administrative expenses, security and insurance of the gaming machine such charges as shall be charged by the Commission and approved by the Court, not exceeding one and a half times the value as determined by the Court, of the gaming machine.

(7) An application to the Court under subsection (6) for the revocation of an order shall be made within thirty days of the date of the order or within such greater time, not exceeding six months, after the date of the order as the Court may allow.

(8) In this section reference to a gaming machine includes reference to any component thereof.

Gaming
lounge

46B.—(1) In this section, “gaming lounge” means any prescribed premises—

- (a) on which not less than twenty and not more

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than one hundred and fifty gaming machines are operated;

- (b) where entertainment, food and drink are provided to the public, and which premises has been approved as a gaming lounge by the Commission; and
- (c) in which persons may place wagers on races and other events approved under this Act inclusive of the purchasing of tickets on lotteries licensed under this Act.

(2) A licence granted under this section to operate a gaming lounge shall remain in force for a maximum period of five years from the date of issue but shall be reviewed annually by the Commission.”.

Section 49

Renumber subsection (4) as subsection (6) and insert the following as subsections (4) and (5)—

“ (4) The Minister may, upon the recommendation of the Commission, require a person to whom a licence is granted under this section to pay to the Commission monetary contributions of such percentage of gross profits.

(5) The provisions of subsections (2), (3), (4) and (5) of section 59B relating to the lottery tax shall apply to any contributions under subsection (3) or (4) of this section.”.

New section
49A

Insert next after section 49 the following—

“Licensing of lottery agent 49A.—(1) No person shall by way of business receive or negotiate bets as agent of a lottery promoter unless he—

- (a) has attained the age of eighteen years;
- (b) has no criminal record;
- (c) is authorized in that behalf in writing by any person licensed under section 49 to promote a lottery; and
- (d) is the holder of a lottery agent’s licence.

(2) If any bet is received or negotiated by any person as agent of a lottery promoter in contravention of subsection (1), the person and the lottery promoter shall each be guilty of an offence and each shall be liable on conviction to a fine not exceeding five hundred thousand dollars and in default of payment thereof to imprisonment for a term not exceeding six months.”

Section 58

1. In subsections (2) and (4), delete the word “Minister” wherever it appears and substitute therefor in each case the word “Commission”.

2. Delete the proposed subsection (3) and substitute therefor the following—

“ (3) The Commission may authorize in writing any person to conduct a competition under this section on such terms as it thinks fit.”

- Section 58A
1. Delete the word "Minister" and substitute therefor the word "Commission".
 2. Delete paragraph (b) and substitute therefor the following—

“ (b) charge fees for the processing of applications for such prize competitions.”.
- Section 58B
- Delete section 58B and substitute therefor the following—
- “ 58B. The Commission may, on an application made to it in writing, exempt the payment of the fee imposed pursuant to section 58A, where it is satisfied that the application relates to a prize competition that is being undertaken for the benefit of a charitable organization.”.
- Section 59A
1. In subsection (1), delete the words “at the rate specified in subsection (2)”.
 2. Delete subsection (2) and substitute therefor the following—

“ (2) The lottery tax payable shall be an amount representing—

 - (a) in the case of a declared lottery, twenty-three *per cent* of the gross weekly revenue derived from sales of lottery tickets in any week, in connection with that declared lottery;
 - (b) in the case of a daily numbers game or an instant lottery, seventeen *per cent* of the gross weekly revenue derived from promotion of that daily numbers game or instant lottery in any week.”.
 3. In subsection (3), delete the words “specified in subsection (2)”.

4. Delete subsection (4) and substitute therefor the following—

“ (4) In this section, gross profit shall be computed by deducting X from Y where—

- (a) X is the aggregate amount of winnings payable by a lottery promoter in respect of bets made with him; and
- (b) Y is the aggregate amount of stakes received on bets accepted by such lottery promoter.”.

Section 59B

Delete subsection (6).

Section 59F

1. In subsection (2), delete the word “twelve” and substitute therefor the word “fifteen”.

2. Delete subsection (3) and substitute therefor the following—

“ (3) There shall be deposited into the Fund monetary contributions required to be made by—

- (a) gaming machine licensees pursuant to section 44A(4); and
- (b) lottery licensees pursuant to section 49(3).”.

New section
59I

Insert next after section 59H the following—

“ Lottery 59I.—(1) Subject to subsection (2),
winnings a levy (to be known as “the lottery
levy winnings levy”) is imposed at the
rate of fifteen *per cent* of the lottery
winnings on a winning ticket in a
lottery promoted by a licensed
lottery promoter.

(2) Subsection (1) shall not apply to any amount of the lottery winnings or part thereof that does not exceed fifteen thousand dollars.

(3) The lottery winnings levy shall be deducted by the licensed lottery promoter from the

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amount of lottery winnings referred to in subsection (1).

(4) The House of Representatives may, from time to time, by affirmative resolution reduce, increase or alter the rate of the lottery winnings levy specified in subsection (1).

(5) The provisions of sections 59B, 59C, 59D and 59E relating to the lottery tax shall with such modification as the circumstances require apply to the lottery winnings levy.”.

Section 60 In subsection (2), delete the numerals and word “38 or 48” and substitute therefor the numerals and word “20A, 38, 46, 48, or 56”.

Section 63 Delete the section and substitute therefor the following—

“Offences by 63.—(1) Where an offence under
bodies this Act committed by a body
corporate corporate is proved—

- (a) to have been committed with the consent and connivance of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in that capacity; or
- (b) to be attributable to the failure of any such

director, manager, secretary or other similar officer or person to exercise all such reasonable diligence as he ought in the circumstances to have exercised to prevent the offence, having regard to the nature of his functions and all the circumstances,

the director, manager, secretary, other similar officer or person as aforesaid, as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly

(2) For the purposes of this section, a person shall be deemed to be a director of a body corporate if he occupies in relation thereto the position of a director, by whatever name called, or is a person in accordance with whose directions or instructions (being directions or instructions in a professional capacity only) the directors and the body corporate or any of them act ”

Section 65

1 Re-letter paragraphs (c) and (d) as paragraphs (d) and (e) and insert next after paragraph (b) the following as paragraph (c)—

“ (c) prescribing offences for breach of the regulations and the penalties including fixed penalties, attached thereto,”

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2. Delete subsection (2) and substitute therefor the following—

- “ (2) Regulations made pursuant to—
- (a) paragraph (a), (b), (d) and (e) shall be subject to negative resolution;
 - (b) paragraph (c) shall be subject to affirmative resolution.”.

Second
Schedule

1. Amend the heading to read—

“SECOND SCHEDULE (Sections 8E, 22 and 65)”.

2. Delete rule 2 and substitute therefor the following—

“ 2. (1) Every licensed premises shall be open to the public during the hours prescribed by the Minister.

(2) Licensed premises shall—

- (a) be closed to the public on Good Friday, Christmas Day and every Sunday; and
- (b) not be used for any purpose other than the effecting of betting transactions, pool betting, the activities specified in paragraph 6 and the operation of a maximum of two gaming machines on approval of such premises as prescribed premises and the sale of lottery tickets on any lottery licenced under the Act.”.

3. In rule 4, delete paragraph (a) and reletter paragraphs (b) and (c) as paragraphs (a) and (b), respectively.

4. In rule 6—

- (a) renumber the rule as paragraph (1) and delete—
 - (i) the word “No” and substitute therefor the words “Subject to subsection (2) of section 22 of the Act, no”; and

(ii) the words “no refreshment of any kind” and substitute therefor the words “only refreshments specified in paragraph (2)”.

(b) insert next after paragraph (1) as renumbered the following as paragraph (2)—

“ (2) A licensee shall at a licensed premises sell only non-alcoholic beverages and refreshments that do not require him or any person employed in his licensed premises to have a Food Handler’s Permit issued under the Public Health (Food Handling) Regulations, 1998 ”

5 Renumber rule 8 as rule 9 and insert next after rule 7 the following as rule 8—

“ 8 —(1) On receipt of an application made under paragraph (2), the Commission may approve, in writing, a licensed bookmaker accepting bets by electronic or other means at his licensed head office

Provided that such approval shall be subject to the terms and conditions within the said approval

(2) An application for approval pursuant to paragraph (1) shall be made in writing to the Commission in the prescribed form and manner

(3) The Commission may suspend, vary or revoke the approval granted to a licensed bookmaker and shall impose other penalties as it considers appropriate where the bookmaker fails to comply with the terms and conditions to which the approval is subject ”

6 In rule 9 as renumbered, delete the words “subsection (1) of section 22” and substitute therefor the words “subsection (2) of section 8C”

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Third
Schedule

1. Amend the heading to read—
“THIRD SCHEDULE (Sections 8B, 25 and 65)”
2. In paragraph 1(1A), insert the words “or races of any approved species of animal” between the words “horse-races” and “conducted”.
3. In sub-paragraph (2) of paragraph 1, delete the word “Minister’s” and substitute therefor the word “Commission’s”.
4. Delete paragraph 10 and substitute therefor the following—
“10. Any licensee or any servant or agent of a licensee contravening any of the provisions of this Schedule shall be guilty of an offence as provided in subsection (2) of section 8(E) of the Act.”.

Sixth
Schedule

Insert next under the entry “Jamaica Lottery Company Limited” the entries “Supreme Ventures Lotteries Limited”, “Telefun International Limited”, and “Sportsbet Games Limited”, respectively.

Seventh
Schedule

Insert the following as the Seventh Schedule—

SEVENTH SCHEDULE		(Section 14)
<i>Fixed Penalties</i>		
Sections	Provisions	Penalties \$
8A(1)	Failure to place current licence, permit, approval or authority in a conspicuous place on the premises	200,000
8B(2)	For obstructing authorized persons or constable in the exercise of his function	200,000
8C	Failure to produce licence, permit, approval, or authority to authorized person	100,000
8E(2)	Failure to manage licensed premises in accordance with terms and conditions specified in licence permit approval or authority	300,000
8E(3)	Breaking or removing seal or other device affixed to a gaming machine or other equipment without the consent of the Commission	1,000,000
20A	Carrying on pool betting or book making without being authorized or licensed	500,000
20B	Permitting a minor to bet, negotiate or participate in any betting, gaming or lottery activity or to be in a room where gaming machines are located	500,000
20C(6)	Operating a betting lounge without a valid licence	250,000
22(1)	Failure to manage licensed betting office in accordance with terms and conditions of licence or with Second Schedule	300,000

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Fixed Penalties

Sections	Provisions	Penalties \$
24A(2)	Failure of agent to obtain off track betting parlour operator's licence; or failure of person to be authorized as agent by racing promoter or agent is under 18 years old	250,000
25(4)	Operating a totalisator contrary to section 25(2)	300,000
32(4)	(a) Failure to pay pool betting duty payable;	250,000
	(b) Failure to keep such books, records and accounts as prescribed, or to permit any officer authorized by the Commissioner of Inland Revenue to inspect and take copies of any books, records, accounts or documents used for the purpose of the business;	250,000
	(c) Obstructing any officer in the exercise of his functions in relations to pool betting duty;	250,000
	(d) Making false statement with intent to deceive or making use of any book, account, record, return or other documents which is false; or	250,000
	(e) Being knowingly concerned in or taking steps with a view to fraudulent evasions of pool betting duty.	250,000

Fixed Penalties

Sections	Provisions	Penalties \$
38(2)	Taking part in unlawful gaming or being present in any such gaming	50,000
38(3)	Allowing premises to be used for unlawful gaming or making premises available to person who has committed an offence in connection with unlawful gaming	375,000
43A	Failure to obtain licence to manufacture, test, sell, supply, repair or operate gaming machines	300,000
44(2)	Operating an unlicensed gaming machine on prescribed premises	2,500 for each gaming machine
44(3)	Operating prescribed premises in breach of terms and conditions specified in licence	250,000
44A	Operating gaming machines without being licensed	250,000
44E(2)	Failure to operate the number of machines specified in the licence, without prior approval by the Commission	250,000
49A	Failure to obtain lottery agent's licence or operating as lottery agent while ineligible	250,000
58(4)	Failure of authorized person to conduct prize competition in accordance with terms imposed by the Minister	250,000

Passed in the House of Representatives this 2nd day of March, 2010 with thirty-four (34) amendments.

DELROY CHUCK,
Speaker.

Passed in the Senate this 19th day of March, 2010.

OSWALD G. HARDING, OJ, CD, QC
President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Clerk to the Houses of Parliament.